

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND
REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE
OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 50: Garbage and Refuse, §50.02 (A)

Definitions. Be amended to add the following definitions:

AEROBIC. Living or occurring only in the presence of oxygen.

COMPOST PILE. A storage area for a mass of organic waste decaying
through an aerobic degradation process under controlled conditions with the intention of
using the resulting product as a soil conditioner. Materials in a compost pile include soil,
paper products, yard waste, non-dairy and non-meat food products, and/or non-meat
eating animal waste. A compost pile is kept in an orderly condition to control for odors and
to prevent the blowing of debris. A compost pile cannot be a potential transmission agent
of disease or be maintained in such a way which will attract vectors, rats, or other vermin.

GARBAGE CAN LINER. Refuse bag designed to be placed in a refuse container
or refuse storage container.

OCCUPANT. Any individual, living, sleeping, cooking or eating in or having
possession of a dwelling unit.

OWNER. This term shall mean any one or more of the following:

1. The owner or owners in fee simple of a parcel of real estate including the life
tenant or life tenants if any; or
2. The record owner or owners as reflected by the Allen County Recorder's
Office; or
3. The purchaser or purchasers of such real estate under a contract for
conditional sale thereof; or

4. The person or persons in control of the property as the personal representative, trustee, receiver or guardian of the owner.

RECYCLABLES. Items that are intended to be recycled.

RECYCLE. Process by which materials otherwise destined for disposal are collected, reprocessed and remanufactured.

RECYCLING CONTAINER. A container holding recyclables.

REFUSE BAGS. Plastic sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top; securely tied at the top for collection, with a capacity not to exceed 33 gallons and a loaded weight not to exceed 35 lbs.

REFUSE CONTAINER. A watertight container (not larger than 33 gallon capacity), constructed of metal or other durable material impervious to rodents with a tight fitting lid.

REFUSE STORAGE CONTAINER. A watertight container (not larger than 90-gallon capacity), constructed of metal or other durable material impervious to rodents with a tight-fitting lid.

REGULAR COLLECTION. The City's designated day for refuse, recycling and yard waste collection.

YARD WASTE. Leaves, grass clippings, weeds, brush and other organic garden debris.

SECTION2. That Chapter 50: Garbage and Refuse, be amended to add the following new sections:

§50.03 REFUSE STORAGE CONTAINERS AND THE STORAGE OF REFUSE.

Refuse storage containers sufficient to meet the needs of the occupant of the dwelling unit shall be provided by the owner of the property.

All refuse (except a compost pile), refuse bags or garbage can liners must be stored in refuse storage containers from the time of collection through noon the day prior to

the following week's regular collection day.

**§50.04 LOCATION OF REFUSE STORAGE CONTAINERS, YARD WASTE
CONTAINERS AND RECYCLING CONTAINERS.**

Between days of regular collection for solid waste items, the owner, tenant, lessee occupant, or agent of any property, commercial or residential, shall provide a place to store refuse (including bulky waste), recyclables, and/or yard waste (excluding leaves placed at the curb as part of the City's fall leaf collection) which shall be sheltered from street view, if possible, given lot size and configuration. Compost piles shall be located on the property so as not to be visible from the street whenever possible. Refuse storage containers, compost piles, bulky waste, yard waste and/or recyclables must not impede pedestrian or vehicular traffic along sidewalks, alleys, streets and/or other public right of ways. If refuse collection is in the alley, refuse storage containers may stay at the alley as long as they do not impede pedestrian or vehicular traffic along the alley and/or public right of way.

§50.05 SET OUT TIME FOR REFUSE, YARD WASTE AND RECYCLING CONTAINERS.

All residential garbage, curbside recycling and yard waste collections will be made between the hours of 5 a.m. and 11 p.m. on the designated collection day. Refuse containers, refuse bags, garbage can liners, bulky waste, recycling containers, and/or yard waste containers (excluding leaves placed at the curb as part of the City's fall leaf collection) shall be set out at the refuse collection site, curbside or alley, on the designated collection day before 5:00 a.m. and no earlier than noon of the day preceding the regular collection day. The refuse containers, refuse bags, garbage can liners, bulky waste, recycling containers, and/or yard waste containers (excluding leaves placed at the curb as part of the City's fall leaf collection) shall be removed from the refuse collection site no later than noon on the day after the regular collection. The owner, tenant, lessee

1 occupant, or agent of any property shall promptly clean up and remove any scattered solid
2 waste, rejected items, recyclable material and/or yard waste (excluding leaves placed at
3 the curb as part of the City's fall leaf collection) from the property before noon on the day
4 after the scheduled date of regular collection. Missed collections that are a result of the
5 contractors' negligence will be an exception to having solid waste materials removed from
6 the refuse collection site no later than noon the day after the regular collection day.

7 **§50.06 ENFORCING AUTHORITY.**

8
9 The authority for enforcing this section will be with the Fort Wayne Police Department,
10 the Department of Neighborhood Code Enforcement, the Solid Waste Department and the
11 Allen County Department of Public Health.

12 **§50.07 PENALTY.**

13
14 Any person, firm or corporation violating any provision of §50.03 through §50.05 shall
15 be subject to the following fine:

16 \$25.00 1st violation;
17 \$50.00 each subsequent violation over the next 12 months.

18
19 **§50.08 UNSAFE BUILDING FUND.**

20
21 The revenues collected by the City for violation of any provision of §50.03 through
22 §50.05 shall be deposited into the Unsafe Building Fund.

23
24
25 **SECTION 3. Severability.**

26 The invalidity of any section, sentence, clause, paragraph, part or provision of this
27
28
29

Ordinance shall not affect the validity of any other section, sentence, clause,
paragraph, part or provision of this Ordinance which can be given meaning
without such invalid part or parts.

All Ordinances or parts of Ordinances and sections of the Municipal Code of the City
of Fort Wayne in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and
after its passage and any and all necessary approval by the Mayor.

Thomas E. Hayhurst

Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay
J. Timothy McCaulay, City Attorney

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE SOLID WASTE DEPARTMENT

SYNOPSIS OF ORDINANCE 1. PROVIDES GUIDELINES FOR THE STORAGE OF
REFUSE DURING THE WEEK; AND 2. SPECIFIES REFUSE SET OUT TIME AND
COLLECTION SITE.

EFFECT OF PASSAGE _____

EFFECT OF NON-PASSAGE _____

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Read the first time in full and on motion by Way Hursh,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, 19____, the _____ day of
_____, M., E.S.T.

DATED:

9-24-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Way Hursh,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT:
TOTAL VOTES	<u>7</u>	<u>2</u>		<u>2</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY				<u>✓</u>
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED:

10-8-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-24-96

on the 8th day of October, 1996

ATTEST:

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

(SEAL)

DD Schmidt

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 9th day of October, 1996,
at the hour of 11:30 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of October,
1996, at the hour of 8:00 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

GENERAL ORDINANCE NO. S-_____

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE
AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA,
CODE OF ORDINANCES.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 50: Garbage and Refuse, §50.02 (A)

Definitions. Be amended to add the following definitions:

OWNER. This term shall mean any one or more of the following:

1. The owner or owners in fee simple of a parcel of real estate including the life tenants or tenants if any; or
2. The record owner or owners as reflected by the Allen County Recorder's Office; or
3. The purchaser or purchasers of such real estate under a contract for conditional sale thereof; or
4. The person or persons in control of the property as the personal representative, trustee, receiver or guardian of the owner.

REFUSE CONTAINER. A watertight container (not larger than 33 gallon capacity), constructed of metal or other durable material impervious to rodents with a tight fitting lid.

SECTION 2. That Chapter 50: Garbage and Refuse, be amended to add the following new sections:

§50.03 **REFUSE CONTAINERS AND STORAGE OF REFUSE.**

Each owner shall provide refuse containers sufficient to meet the needs of the occupant of the dwelling unit.

All refuse, bags or garbage can liners must be stored in refuse containers.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

§50.04 LOCATION OF REFUSE, YARD WASTE AND RECYCLING CONTAINERS.

Between days of collection for solid waste items, the owner, tenant, lessee occupant, or agent of any property, commercial or residential, shall provide a place to store refuse (including bulky waste), recycling, and/or yard waste (excluding leaves) which shall not be visible from the street. Refuse containers, bulky waste, yard waste and/or recyclables must not impede pedestrian or vehicular traffic along sidewalks, alleys, streets and/or other public right of ways. If refuse collection is in the alley, refuse containers may stay at the alley as long as they do not impede pedestrian or vehicular traffic along the alley and/or public right of way.

§50.05 SET OUT TIME FOR REFUSE, YARD WASTE AND RECYCLING CONTAINERS.

Refuse containers, bulky waste, recycling containers, and/or yard waste containers (excluding leaves) shall be set out at the refuse collection site, curbside or alley, on the designated collection day before 5:00 A.M. All collections shall be made between 5:00 A.M. and 11:00 P.M. The refuse containers, bulky waste, recycling containers, and/or yard waste containers (excluding leaves) shall not be placed at the refuse collection site prior to noon of the day preceding the regular collection day. The solid waste containers, bulky waste, recycling containers, and/or yard waste containers (excluding leaves) shall be removed from the refuse collection site no later than noon on the day after the regular collection. The owner, tenant, lessee occupant, or agent of any property shall promptly clean up and remove any scattered solid waste, rejected items, recyclable material and/or yard waste (excluding leaves) from the property before noon on the day after the scheduled date of regular collection.

§50.06 ENFORCING AUTHORITY.

The authority for enforcing this section will be with the Fort Wayne Police Department, the Department of Neighborhood Code Enforcement, the Solid Waste Department and the Allen County Department of Public Health.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

§50.07 PENALTY.

Any person, firm or corporation violating any provision of §50.03 through §50.05 shall be subject to the following fine:

\$25.00 1st violation;

\$50.00 each subsequent violation over the next 12 months.

§50.08 UNSAFE BUILDING FUND.


The revenues collected by the City for violation of any provision of §50.03 through §50.05 shall be deposited into the Unsafe Building Fund.

SECTION 3. Severability.

- a) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
- b) All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay, City Attorney



The City of Fort Wayne

Paul Helmke, Mayor

SOLID WASTE MANAGER'S OFFICE MEMORANDUM

Date: September 24, 1996

To: Members of Common Council

From: Dawn Ritchie *DR*
Solid Waste Department

Re: Garbage Ordinance

Area Partnership Groups and Neighborhood Associations have expressed their concerns that citizens are leaving their solid waste containers out for many days before and after their collection day. The Allen County Department of Health and Neighborhood Code Enforcement agree on this concern. In addition, the Community Services Council members have indicated that enacting this type of ordinance is necessary.

In researching this concern, nine like-sized cities were contacted. Each city indicated that they had ordinances on the books to control this problem.

The ordinance before you today will amend Chapter 50: Garbage and Refuse of the Code of Ordinances. In Section 50.02, two definitions have been added: "Owner" and "Refuse Container." There are two simple, straightforward statements in Section 50.03. One statement is that owners shall provide refuse containers for the occupants of their dwelling units. The other statement is that all refuse must be STORED in refuse containers. Please notice that there is a distinction here. While storing refuse during the week it must be placed in refuse containers. On the collection day, they may set out their refuse at the curb or alley for collection in plastic bags if they wish.

Section 50.04 provides for directions on how to store containers during the week. Containers should not be visible from the street and should not impede pedestrian or vehicular traffic.

Section 50.05 explains that refuse containers, bulky waste, recycling containers, and /or yard waste containers (excluding leaves) shall not be placed at the refuse collection site (alley or curb) prior to noon of the day preceding the regular collection day. These same items must be removed from the refuse collection site no later than noon on the day after the regular collection.

Section 50.06 spells out the enforcing agencies of the ordinance. They are: Neighborhood Code Enforcement, the Solid Waste Department, the Fort Wayne Police Department and the Allen County Department of Public Health. Section 50.07 provides for a first-time penalty of \$25 and for subsequent violations over the next twelve months a penalty of \$50. The revenues collected for violations of this ordinance will be deposited into the Unsafe Building Fund as provided for by Section 50.08.

This ordinance we are submitting is the result of a joint effort between Community and Economic Development, Neighborhood Code, the Solid Waste Department, Allen County Department of Health, and the Citizens' Advocate Office.

If you have any questions/concerns, please feel free to contact me at 427-2474. Thank you for your consideration.

BILL NO. G-96-09-21 As Amended

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXX Chapter 50: Garbage
and Refuse of the City of Fort Wayne, Indiana, Code of Ordinances

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXX UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~ XXXXXXXXXXXX

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u>Thomas E. Hayhurst</u>			
<u>Rebecca Ravine</u>			
<u>Debbie Hale</u>			
<u>Patrick Hargis</u>			
<u>Thomas E. Hayhurst</u>			
<u>Clatus R. Emonds</u>			

DATED: 10-8-96

Sandra E. Kennedy
City Clerk

City of Fort Wayne
ADMINISTRATIVE POLICY
for
Enforcing Chapter 50: Garbage and Refuse
October 1, 1996

The purpose of Chapter 50: Garbage and Refuse is to control the disposal of waste to limit unsightly storage that blights neighborhoods and to prevent sources of habitation and food for vectors, rodents, and other vermin that present a hazard to the public health. To this end, enforcing departments shall attempt to gain voluntary compliance with the requirements of Chapter 50: Garbage and Refuse, and will issue tickets when necessary to attain compliance. The authority for enforcing §50.03 through §50.06 is with the Fort Wayne Police Department, the Department of Neighborhood Code Enforcement, the Solid Waste Department, and the Allen County Department of Public Health.

Warning Tickets

For the first sixty (60) days after passage of this ordinance, enforcement authorities shall issue "warning tickets" only as a means to educate the public and gain voluntary compliance. After the 60-day warning period, enforcement authorities may issue citations under §50.07 as deemed appropriate to ensure timely compliance with the ordinance. Informational door hangers will also be provided to neighborhood associations to assist with educating the public on the requirements of the new ordinance.

Order of Primary Responsibility for Compliance

Property Owner

The property owner shall be responsible for providing sufficient refuse storage containers for the disposal of refuse (§50.03). If refuse storage containers are absent, inadequate, or not rodent proof, enforcing authorities shall cite the property owner with a violation.

Property Occupant

The occupant of the property shall bear the primary responsibility for all other aspects of compliance with Chapter 50: Garbage and Refuse. Enforcing authorities shall first cite the occupant (when property can reasonably be assumed to be occupied) for violations other than the provision of proper refuse storage containers.

Rental Property Move-Out Conditions

In recognition that tenants sometimes move out of properties without giving due

ADMINISTRATIVE POLICY

Enforcing Chapter 50: Garbage and Refuse

October 1, 1996

and proper notice to property owners, special attention shall be given to such situations when issuing citations. Any violations of Chapter 50: Garbage and Refuse, except with regard to the provision of refuse storage containers, shall first cite the occupant as the party with primary responsibility. If the property appears to be vacant with a recent tenant move out, the property owner shall be given seven (7) days to comply with any and all violations.

After the property is vacant for seven (7) days, the property owner will be deemed to be the party with primary responsibility for compliance with Chapter 50: Garbage and Refuse and enforcing authorities shall cite the property owner with appropriate violations.

City of Fort Wayne
ADMINISTRATIVE POLICY
for
Enforcing Chapter 50: Garbage and Refuse
October 1, 1996

The purpose of Chapter 50: Garbage and Refuse is to control the disposal of waste to limit unsightly storage that blights neighborhoods and to prevent sources of habitation and food for vectors, rodents, and other vermin that present a hazard to the public health. To this end, enforcing departments shall attempt to gain voluntary compliance with the requirements of Chapter 50: Garbage and Refuse, and will issue tickets when necessary to attain compliance. The authority for enforcing §50.03 through §50.06 is with the Fort Wayne Police Department, the Department of Neighborhood Code Enforcement, the Solid Waste Department, and the Allen County Department of Public Health.

Warning Tickets

For the first sixty (60) days after passage of this ordinance, enforcement authorities shall issue "warning tickets" only as a means to educate the public and gain voluntary compliance. After the 60-day warning period, enforcement authorities may issue citations under §50.07 as deemed appropriate to ensure timely compliance with the ordinance. Informational door hangers will also be provided to neighborhood associations to assist with educating the public on the requirements of the new ordinance.

Order of Primary Responsibility for Compliance

Property Owner

The property owner shall be responsible for providing sufficient refuse storage containers for the disposal of refuse (§50.03). If refuse storage containers are absent, inadequate, or not rodent proof, enforcing authorities shall cite the property owner with a violation.

Property Occupant

The occupant of the property shall bear the primary responsibility for all other aspects of compliance with Chapter 50: Garbage and Refuse. Enforcing authorities shall first cite the occupant (when property can reasonably be assumed to be occupied) for violations other than the provision of proper refuse storage containers.

Rental Property Move-Out Conditions

In recognition that tenants sometimes move out of properties without giving due

ADMINISTRATIVE POLICY

Enforcing Chapter 50: Garbage and Refuse

October 1, 1996

and proper notice to property owners, special attention shall be given to such situations when issuing citations. Any violations of Chapter 50: Garbage and Refuse, except with regard to the provision of refuse storage containers, shall first cite the occupant as the party with primary responsibility. If the property appears to be vacant with a recent tenant move out, the property owner shall be given seven (7) days to comply with any and all violations.

After the property is vacant for seven (7) days, the property owner will be deemed to be the party with primary responsibility for compliance with Chapter 50: Garbage and Refuse and enforcing authorities shall cite the property owner with appropriate violations.